

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ANDREW LAMAR PITTS,

Plaintiff,

Case No. 24-cv-11625

Honorable Linda V. Parker

v.

BRIDGECREST CREDIT  
COMPANY, LLC,

Defendants.

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**OPINION AND ORDER (1) ADOPTING MAGISTRATE JUDGE’S  
REPORT AND RECOMMENDATION; (2) GRANTING DEFENDANT’S  
MOTION TO DISMISS; AND (3) DENYING PLAINTIFF’S MOTION FOR  
SUMMARY JUDGMENT**

On June 21, 2024, Plaintiff Andrew Lamar Pitts commenced this lawsuit against Defendant Bridgecrest Credit Company, LLC (“BCC”) raising various claims arising from Mr. Pitts’ purchase of a vehicle from non-party Carvana LLC. BCC thereafter filed a motion to dismiss (ECF No. 11), and Mr. Pitts filed a motion for summary judgment (ECF No. 13). The matter has been assigned to Magistrate Judge Anthony P. Patti for all pretrial proceedings, including a hearing and determination of all non-dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(A) and/or a report and recommendation on all dispositive matters pursuant to 28 U.S.C. § 636(b)(1)(B).

On April 17, 2025, Magistrate Judge Patti issued a report and recommendation (“R&R”) recommending that the Court grant BCC’s motion and deny Mr. Pitts’ motion. (ECF No. 21.) The R&R also included Magistrate Judge Patti’s decision on non-dispositive motions filed by Mr. Pitts. At the conclusion of the R&R, Magistrate Judge Patti advises the parties that they may object to and seek review of the R&R within fourteen days of service upon them. (*Id.* at PageID.185.) He further specifically advises the parties that “[f]ailure to file specific objections constitutes a waiver of any further right to appeal.” (*Id.*) Neither party filed timely objections to the R&R. While Plaintiff submitted a document titled as a response to Defendant’s motion, which the Court received on May 12, this document does not address the R&R. (ECF No. 22.)

The Court has carefully reviewed the R&R and concurs with the conclusions reached by Magistrate Judge Patti. The arguments in Plaintiff’s untimely “response” do not persuade the Court that a different conclusion is warranted. The Court therefore adopts the R&R.

Accordingly,

**IT IS ORDERED** that Defendant’s motion to dismiss is **GRANTED** (ECF No. 11).

**IT IS FURTHER ORDERED** that Plaintiff’s motion for summary

judgment (ECF No. 13) is **DENIED**.

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: May 14, 2025

I hereby certify that a copy of the foregoing document was mailed to counsel of record and/or pro se parties on this date, May 14, 2025, by electronic and/or U.S. First Class mail.

s/Aaron Flanigan  
Case Manager